IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2971 OF 2005

Shri.Balaram Laxman Bhoir & Ors. ...Applicants

Versus

State of Maharashtra ...Respondent

.....

Mr.P.D.Dalvi for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 5, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Although, prima facie, there is substance in the argument of the Applicants about falsely implicating the Applicants in respect of offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, however, the Applicants are also prosecuted for offences under Sections 147, 148, 149 and 326 of the Indian Penal

Code. The fact that victim suffered injury, is supported by the medical evidence.

3. In my opinion, having regard to the seriousness of the offence and material to indicate complicity in the form of complaint registered with the Police Station naming the Applicants, not a case for anticipatory bail.

4. This Application is, however, disposed of by giving limited protection to the Applicants to surrender before the appropriate Court and apply for regular bail, if so advised. That be done on or before 12th May 2005.

5. Although, Applicants shall not be arrested till 12th May 2005 or till they surrender before the appropriate Court before that date, they shall be obliged to report to the Investigating Officer as and when called upon for the purpose of investigation of the case.

6. They shall not tamper with the prosecution evidence or influence the prosecution witnesses in

any manner whatsoever.

7. In the event, Applicants fail to surrender before the appropriate Court within the specified period, it will be open to the Investigating Officer to proceed against the Applicants in accordance with law.

8. Applicants shall give advance notice to the Investigating Officer before moving the appropriate Court for regular bail.

9. All questions are left open to be decided by the lower Court on the regular bail application, to be filed by the Applicants.

10. Application disposed of on the above terms.

A.M.KHANWILKAR, J.